

NR 700 RULE
UPDATE

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October 22
2013

NR 700 REVISIONS WEBINAR

- 1:00 – 3:00 pm
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NR 700 RULE
UPDATE

NR 746
AGENCY ROLES AND
RESPONSIBILITIES FOR
PETROLEUM CONTAMINATED
SITES

Mark Gordon
Bureau for Remediation and
Redevelopment



October 22
2013

SUMMARY OF NR 746 CHANGES

- NR 746 contains the risk screening and closure criteria for petroleum contaminated sites as well as the responsibilities of DNR and DSPS.
- High risk sites typically have not met the risk screening criteria and therefore DNR had very few sites seek closure under NR 746 - none for many years.
- Discussed the need for retaining the technical provisions in NR 746 for high risk sites with our external rules committee.

SUMMARY OF NR 746 CHANGES

- It was ultimately decided that the risk screening and closure criteria in NR 746 were not necessary for high risk sites. This included the statistical tests in Appendix A.
- While using statistical tests to determine the effectiveness of natural attenuation is no longer the presumptive approach, it still remains an option.

SUMMARY OF NR 746 CHANGES

- With the consolidation of the PECFA Program at DNR the revised version of NR 746 - which only includes the roles and responsibilities for DNR and DSPS - is no longer necessary.
- A note was added to NR 746 indicating that due to the transfer of the PECFA Program, DNR intends to repeal the remainder of NR 746 as part of a future rulemaking.



QUESTIONS?

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NR 700 RULE
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NR 749
FEES FOR PROVIDING
ASSISTANCE; REMEDIATION
AND REDEVELOPMENT
PROGRAM

Mark Gordon
Bureau for Remediation and
Redevelopment



October 22
2013

SUMMARY OF NR 749 CHANGES

- The fees in NR 749 have not been raised since they were originally promulgated in September, 1998.
- A 40% increase will take effect November 1st. This change represents an average annual increase of approximately 2.3% per year.
- Reports with fees that are postmarked on or before October 31st can pay the existing fees. Anything mailed on or after November 1st must include the new fee.

SUMMARY OF NR 749 CHANGES

- Added a section (NR 749.05) that allows responsible parties and others the option of paying hourly fees for DNR oversight as part of a negotiated agreement.
- Based on authority provided by s. 292.94 of the statutes a provision was added that allows DNR to require the payment of fees as part of an enforcement action. The document can specify each action that must include a fee.

SUMMARY OF NR 749 CHANGES

- Added several additional situations when a database fee is necessary. This includes:
 1. Sites that are being added to the database for a reason other than when groundwater attains or exceeds an enforcement standard or when soil contamination attains or exceeds ch. NR 720 RCL's. This would include situations where a vapor mitigation system is required at closure.
 2. Cases submitted for closure without residual groundwater contamination but where 1 or more monitoring wells has not been properly abandoned.

- The fee table was reorganized to group similar types of assistance into the same category.

MAKING A PAYMENT

- 2 Options for making a payment:
 1. Submit a check or
 2. Electronic transfer
- For electronic transfers, additional information on how the process works is available at:
http://dnr.wi.gov/epay/ACH_Instructions.pdf
- Credit card payments are currently not an option.



QUESTIONS?

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NR 700 RULE
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NR 750
FEES FOR PROVIDING
OVERSIGHT FOR THE
CONTAMINATED LAND
RECYCLING PROGRAM

Michael Prager
Land Recycling Team Leader



October 22
2013

VPLE BASICS

- Any contaminated site
- Large complex cleanups and small corner gas stations
- Complete assessment of entire property- Phase I and II
- Follow NR 700 for investigation and remediation and closure requirements
- Exemption from future liability – transferable to new owners

SUMMARY OF NR 750 RULE CHANGES

- Corrections to be consistent with statutory changes and cleanup
- Defined "Property"
- Process to remove inactive sites from program
- Fee Changes

NR 750 – UPDATES FOR STATUTORY CHANGES

- Removed References to Purchasers
- Any party, including RP, can enter VPLE
- Clarified that insurance requirements in s.292.15(2)(ae) and NR 754 must be met before Certificate of Completion can be used
- Removed final fee option (750.07(6))

NR 750 – DEFINED PROPERTY

- For VPLE program voluntary parties submit application for a “property” and received exemption for the “property”.
- “Property” means a contiguous area of land the entire legal description of which is found in one deed.
- One application and \$250 application fee for each property – single deposit can be submitted if multiple properties are part of one cleanup project.

NR 750 – INACTIVE SITES

- 750.05(4) and s. 292.15(2)(av) define process to remove inactive sites
- If voluntary party fails to provide updates and reports for a year or longer, DNR can request progress report
- If progress report is not received within 60 days, site will be removed from VPLE program
- Unused deposit returned
- To re-enter program, need to enter into agreement with DNR

NR 750 – FEES FOR VPLE SITES

- \$250 application fee (no changes)
- Advanced deposit required and voluntary parties are billed hourly (deposit increased)
 - \$2000 one acre or smaller
 - \$4000 larger than 1 acre
- Once deposit is used up, voluntary parties receive quarterly bills
- If bills are not paid, DNR will stop working on the site

NR 750 – FEES FOR VPLE SITES

- Hourly rate is calculated each year based on formula in NR 750 – currently \$100 per hour (no change)
- In almost every case, Voluntary Parties do not pay NR 749 flat fees
- *Exception* – at closure, VPLE sites with continuing obligations do pay fee to add the site to the database (GIS Registry)
 - For example – site with GW above standards would pay \$350 and all other time staff spend reviewing closure would be billed hourly

NR 750 – VPLE RESOURCES

- VPLE Webpage:

<http://dnr.wi.gov/topic/Brownfields/vple.html>

- VPLE application form:

<http://dnr.wi.gov/files/PDF/forms/4400/4400-178.pdf>

- VPLE Fact Sheet #2 – RR-506

<http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>

- Section 292.15, Wis. Stats.

NR 750 – VPLE RESOURCES (CONT.)

- Email Michael Prager

Michael.Prager@wisconsin.gov





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NR 700 REVISIONS

- This concludes the NR 700 Rules Series Revisions Webinars
- Presentations (slides & audio) available at <http://dnr.wi.gov/topic/brownfields/training.html>
- Questions after today can be emailed to DNRRRComments@wisconsin.gov
- Nov. 1 implementation.
- Revised rules can be found here at that time: <http://docs.legis.wisconsin.gov/code/toc/nr>.